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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,575	03/14/2001	Gregory Vassmer	024944-135	1340

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Ronald L. Grudziecki, Esquire  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/805,575	<b>Applicant(s)</b> VASSMER ET AL.	
	<b>Examiner</b> Nathan Hillery	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Misc. Letter filed on 4/9/02.
2. Claims 1 – 13 are pending in the case. Claims 1, 12, and 13 are independent.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 – 11 refer to software per se and recite an apparatus that is not tangibly embodied to a computer system. Even though the product is loadable, the claimed invention does not positively recite that the product is tangibly embodied so as to be functional. Further, claim 12 amounts to functional descriptive data stored on computer-readable media. Because the claims fail to set forth any interaction with the claimed data structures, the claimed invention is non-statutory. Consequently, the claimed invention does not require the technical or useful arts and, thus, fails to define patentable subject matter.

4. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

### ***Specification***

5. Applicant is reminded of the proper content of an abstract of the disclosure.

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A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because purported merits and/or speculative application and lacks proper form. Correction is required. See MPEP

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§ 608.01(b). It is recommended that Applicant read the abstracts of the cited references as an example and for further guidance.

### ***Drawings***

8. The drawings are objected to because the unlabeled rectangular box(es) shown in the drawings should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. **Regarding independent claim 1**, it is unclear where the limitations begin and the preamble ends. The metes and bounds of the claimed invention are unclear. It is recommended that the claim be restructured to better illustrate Applicant's invention by modeling the claims in the prior art cited and/or made of record in this case.

12. **Regarding dependent claim 5**, it is unclear how an *initial set* can be based on *a cookie of a previous use session*.

13. **Regarding dependent claim 11**, the metes and bounds of "carrier" are unclear.

14. **Regarding dependent claims 2 – 11**, the claims are rejected for fully incorporating the deficiencies of the base claim(s) from which they depend.

#### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jammes et al. (US 6484149 B1) and further in view of Maynard (US 6484166 B1).

17. **Regarding independent claim 13**, Jammes et al. teach that *as each group structure is encountered during navigation, the refresh method outputs information to the right pane display 309. For each group encountered, the refresh method outputs*

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one row of information in the right pane, including an icon and text characters representing a Group\_Name. One of ordinary skill in the art will understand that other arrangements and displays of group information in a right pane are possible, and the present invention is not limited by a particular arrangement of elements in the right pane display 309 (Column 28, lines 6 – 14), which provide for **a) presenting an initial set of descriptor tags using an output device; and c) presenting the descriptor tags of the new set of the information units using the output device;** Jammes et al. teach that In a further step 1614, a user repeats any of the steps 1602-1612 as needed to specify the inventory of an electronic store and to organize its presentation (Column 45, lines 3 – 6), which provide for **d) selectively repeating steps b) and c) at the user's request.** Jammes et al. do not explicitly teach **category tags.** However, Maynard teaches that a method for retrieving and displaying information from at least one informational resource comprising the steps of: breaking apart the at least one informational resource into a plurality of discrete finite elements; creating a categorical tag for each of the plurality of discrete finite elements, the categorical tag including a categorical designation pertaining to informational content contained in the discrete finite element; generating a searchable database including a searchable database record for each of the discrete finite elements; receiving a search query; searching the searchable database for relevant database records that correspond to the search query; associating the relevant database records with their respective discrete finite elements; displaying identifying phrases pertaining to the respective discrete finite elements of the relevant database records produced during the associating step; receiving an input

*selecting one of the displayed identifying phrases; reconstructing a contiguous portion of the informational resource around the selected discrete finite element by combining other discrete finite elements with the selected discrete finite element; and displaying said reconstructed contiguous portion (Column 23, line 33 – Column 24, line 12), which provide for b) receiving an instruction to assemble a new set of descriptor tags, the instruction being generated by a user using an input device to select one of a structure tag and a solution category tag, the instruction resulting in the generation of a new set of information units, where at least one of the structure and the solution category tags of the information units in the new set are interconnected to the information units of a previous set.* It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Jammes et al. with that of Maynard because such a combination would allow the users of Jammes et al. the benefit of *an information management, retrieval and display system for searching through an informational resource, such as a document (e.g., a treaty), a number of individual documents (e.g., Web pages resident on the Internet), or a stream of information (e.g., DNA code, source code, satellite data transmissions, etc.) and for displaying the results of the search in an collapsible/expandable format based upon a user-selected display criteria or hierarchy (Column 1, lines 48 – 56).*

18. **Regarding independent claim 12,** Jammes et al. teach that *the HTML authoring tool produces a template file (i.e., a simple ASCII text file), representing a template page. Each such template file includes HTML formatting codes (or tags), text content,*



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*and references to the product information database 116 which can be resolved to extract information about a group or product (Column 42, lines 21 – 26), which provide for a descriptor tag indicating informational contents of said information item; and a structure tag pointing to at least one information unit in said data structure.*

Jammes et al. do not explicitly teach **pointers**. Maynard teaches that *the break module also creates categorical tags for each of these finite elements, where the categorical tags assigned to each of the finite elements are based upon an analysis (defined by the set of expert system rules) of the contents of each of the finite elements. The categorical tag can include a standard classification such as, for example, "Dewey Decimal-type" number. The categorical tag can also include an organizational attribute (such as pertaining to the type or location of the finite element with respect to the rest of the rest of the informational resource), a date-stamp, a categorical word, etc. Preferably, the categorical tags are inserted into the finite element (Column 1, line 67 – Column 2, line 11) and that each database record preferably includes an address or pointer to the corresponding finite element and further preferably includes all of the non-common strings (e.g., words or phrases) contained within the corresponding finite element along with the frequency that such strings appear (Column 4, lines 54 – 58), which provide for a solution category tag pointing to at least one information unit in the data structure; and for pointers interconnecting the information item, the descriptor tag, the solution category tag and the structure tag to an information unit.* It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Jammes et al. with that of Maynard because such a

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combination would allow the users of Jammes et al. the benefit of *an information management, retrieval and display system for searching through an informational resource, such as a document (e.g., a treaty), a number of individual documents (e.g., Web pages resident on the Internet), or a stream of information (e.g., DNA code, source code, satellite data transmissions, etc.) and for displaying the results of the search in an collapsible/expandable format based upon a user-selected display criteria or hierarchy* (Column 1, lines 48 – 56). Neither Jammes et al. nor Maynard explicitly teach

**indicating membership of the information unit to one of design, reliability, maintenance and training categories or an information item including information related to one of bearings and seals**; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to use and/or modify the combined invention of Jammes et al. and that of Maynard to provide for **indicating membership of the information unit to one of design, reliability, maintenance and training categories** and to provide for **an information item including information related to one of bearings and seals**, since Jammes et al. discloses that *the Merchant Workbench for designing and operating an electronic store over the Internet* (Column 8, lines 11 – 13). The skilled artisan would be motivated to implement the aforementioned categories in order to divide the products into useful categories for the users and consumers of the invention. Further, the combined invention can handle any type of product therefore the skilled artisan would be motivated to include information regarding bearings and seals in order to describe the products i.e. bearings and seals.

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19. **Regarding independent claim 1**, the claim incorporates substantially similar subject matter as claims 12 and 13, and is rejected along the same rationale.

20. **Regarding dependent claim 2**, Jammes et al. teach that *FIG. 13 illustrates fields and command buttons of a new group dialogue box 1301 which prompts a user for information about a new group. The new group dialogue box 1301 includes a merchant ID field 1302, a Group\_ID field 1304, a Group\_Name field 1306, a template file field 1308, a description field 1310, and a small image field 1312. Also included in the new group dialogue box 1301 are a 'Cancel' button 1314 and an 'Okay' button 1316 (Column 38, lines 10 – 17), which provide that the descriptor tag of an information unit is constituted by a portion of its information item, and that the descriptor tag of an information item is constituted by a description of the contents of the information item.*

21. **Regarding dependent claim 4**, Jammes et al. teach that *in a preferred embodiment, each product included in the right pane display is represented by one row of text elements and each group included in the right pane display is represented by one row comprising an icon and a text label (Column 28, lines 20 – 23), which provide that the information item is comprised by at least one of the following information types: text, photo, table and drawing.*

22. **Regarding dependent claims 5 and 6**, Jammes et al. teach that *if, in the step 2014, the Web server determines that the consumer did not order a product, then, in a next step 2018, the Web server 106 generates a database command designed to add a new record to the browse table of the traffic analysis database. It will be understood*

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that such a database command accepts parameters representing values for the fields of a new record of the browse table. To supply a value for the Consumer\_ID field of the new record, the Web server 106 access the consumer's cookie identifier and extracts the unique Consumer\_ID value. The Web server establishes a value for the Template\_File field of the new record by extracting a template file name from the URL of the request message (Column 51, lines 40 – 52), which provide that **the initial set of descriptor tags is based on a cookie from a previous use session of the computer program product**, and that **the initial set of descriptor tags is based on a default set (template file(s))**.

23. **Regarding dependent claims 7 – 11**, Jammes et al. teach that *data records of a product information database store information comprising an inventory of an electronic store, including information about products and groups and the relationships between them* (Column 4, lines 22 – 25); that *the enhanced Web browser 112 initiates data transactions with the product information database 116. The enhanced Web browser 112 issues database transaction commands to the Web server 106, which in turn issues those transaction commands to a relational database server 114. In a preferred embodiment, the relational database server 114 utilizes open database connectivity (ODBC). Relational database servers 114 utilizing ODBC are known in the art. One function of such relational database servers is to provide to application programs a common query interface to interact with multiple database systems having different query interfaces* (Column 8, lines 46 – 57); and that *a web browser may be implemented as a collection of instructions stored on computer storage media (e.g., disk*

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*drive media, CD-ROM, ROM, EPROM, etc.), the instructions executable by a computer as an application program, as part of the operating system, as a dedicated function of network computer, or a combination of these or other forms for loading and executing instructions (Column 6, lines 58 – 65), which provide that **the information unit database is comprised in the computer program product, that the information unit structure database is comprised in the computer program product, that the information unit database is integrated with the information unit structure database, that intended to be used by a server connected to the Internet, and that loaded on a carrier.***

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (703) 305-4502. The examiner can normally be reached on M - F, 6:30 a.m. - 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH

  
JOSEPH FELD  
SUPERVISORY PATENT EXAMINER